

Application No. 09/606,695
Amendment dated July 14, 2004
Reply to Office Action of January 15, 2004

REMARKS

Applicant cancelled claims 8, 16, and 24, and amended claims 1, 9, 17, 22, 25, 27, and 32 to further define Applicant's invention.

In the Office Action, the Examiner indicated that the drawings currently on file are considered informal, but are acceptable for examination and publication purposes.

The Examiner rejected claims 1-7, 9-15, 17-20, 22-23, and 25-28 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended independent claims 1, 9, 17, 22, and 27 to further define the elements of the claimed invention. In particular, the media object has been defined to comprise "at least one of an audio-visual recording, a video recording, a sound recording, an Internet link, an advertisement, and an e-commerce asset." It is submitted that the objection under 35 U.S.C. § 101 has been overcome.

The Examiner rejected claims 1-8, 9-15, 17-23, and 25-37 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,892,900 to Ginter. Independent claims 1, 9, 17, and 27 recite systems and methods for targeting media to a user based on user interaction with a media object "comprising at least one of an audio-visual recording, a video recording, a sound recording, an Internet link, an advertisement, and an e-commerce asset." Independent claim 1 further recites that a mediator provides to "at least one user at least a second media object based upon said user activity information correlated with at least said first media object."

Independent claim 9 further recites "a coding system for assigning user activity information" to "at least one of said stored media objects to create a profile for said at least one of said stored media objects" and "a mediator for selecting at least one of said stored media objects having a media object profile matching at least one characteristic of said profile of said user requested media object."

Independent claim 17 further recites the steps of "matching at least one characteristic of said media object profile of said user requested media object with said media object profile of at least a second media object" and "delivering said user requested media object with at least said second media object having an object profile matching at least one characteristic of said media object profile of said user requested

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media object."

Independent claim 27 further recites the steps of combining a "media object profile with said at least one user requested media object to create a smart media object" and "selecting at least one smart media object having a media object profile matching at least one characteristic of said media object profile of said user requested media object and delivering said user requested media object with said at least one selected smart media object."

Applicant's claimed invention is directed to systems and methods for identifying specific media objects for a specific user. Applicant's claimed invention identifies a specific media object based on user activity with that media object and targets additional media objects to the user.

In contrast, Ginter discloses a system and method for rights management and control "to ensure that information is accessed and used only in authorized ways, and maintain the integrity, availability, and/or confidentiality of the information." (Ginter, Abstract, lines 5-7). Ginter creates "a virtual distribution environment (VDE) that may enforce a secure chain of handling and control, for example, to control and/or meter or otherwise monitor use of electronically stored or disseminated information." (Ginter, Abstract, lines 5-7). There is no teaching, suggestion, or disclosure in Ginter for a system or method for identifying specific media objects based on user activity with that same object or another object and targeting the specific media object to the user.

With respect to independent claim 22, there is no teaching, disclosure, or suggestion in Ginter for a "smart media object" having a profile portion containing information gathered from a plurality of users representing exercise of the media object portion by the plurality of users.

With respect to independent claim 29, there is no teaching, disclosure, or suggestion in Ginter for "a method of targeting media objects to a user on-line" wherein "at least one Internet link based on the profile of a user requested link" is delivered to the user with "at least one additional link having a link profile matching at least one aspect of the profile of the requested link." Applicant respectfully submits that the columns and lines of Ginter relied upon by the Examiner to reject claim 29 do not teach

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or suggest the claimed subject matter.

With respect to independent claims 32, there is no teaching, disclosure, or suggestion in Ginter for "a hidden search engine" that creates a profile for Internet links and selects "at least one Internet link based on at least one aspect of each link profile for delivery with a user requested link to the user."

For the foregoing reasons Applicant submits that independent claims 1, 9, 17, 22, 27, 29, and 32 are patentable over Ginter. Applicant further submits that claims 2-7, 10-15, 18-21, 23, 25, 26, 28, 30, 31, and 33-37, depend from allowable independent claims or claims dependent therefrom, and are allowable at least for the same reasons as the independent claims. It is submitted that the rejection of the claims under 35 U.S.C. § 103(a) over Ginter has been overcome.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

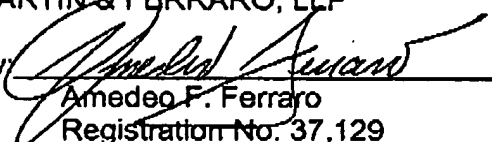
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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By


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